

been or may hereafter be forfeited, and a recommendation be made for a remission of the whole or some part of the recognizance by one or more of the judges of the general court, or three or more of the justices of the county court; and the governor and council, or such of them as shall remit such recognizance, or any part thereof, shall cause the case of the party to be entered at large on the proceedings of the council, and shall subscribe their names thereto.

Persons
may appear
and plead,
&c.

SEC. 2. *And be it enacted*, That where any execution hath issued, or shall hereafter issue, on any forfeited recognizance, against any person for not appearing according to the tenor of the recognizance, it shall and may be lawful for such person, on the return of the execution, to appear, and plead in discharge thereof any plea which would have been good and sufficient upon a *scire facias* on the said recognizance, if a *scire facias* had been issued, and upon such plea being determined in favour of the person pleading the same, he shall be discharged from the said forfeiture; and any court, from which execution shall issue on any recognizance forfeited for not attending as a witness in any case not capital, may, upon motion, and good and sufficient cause fully shewn by such person, discharge him from the execution, upon such terms as the court shall think fit and proper; provided that such person shall not be discharged from such execution until the trial of the plea, unless he shall pay and satisfy the execution, or give bond payable to the state before the sheriff, or enter into recognizance in court, with one good and sufficient security, in double the forfeiture and costs due upon such execution, conditioned to appear and plead in discharge of the said execution, and to abide by and fulfil the judgment of the court thereupon.

Governor
may remit
fines, &c.

SEC. 3. *And be it enacted*, That the governor, with the advice of the council, be authorized to remit the whole or any part of any fine, penalty or forfeiture, heretofore imposed, or hereafter to be imposed, in any court of law; provided, if the fine, penalty or forfeiture, be certain, and not in the discretion of the court, that the case of the person be stated in writing by the court before whom such fine, penalty or forfeiture, shall be imposed, and a recommendation be made for a remission of the whole or some part thereof, by one or more of the judges of the general court, or three or more of the justices of the county court; and the governor and council, or such of them as shall remit such fine, penalty or forfeiture, or any part thereof, shall cause the case of the party to be entered at large on the proceedings of the council, and shall subscribe their names thereto.

By 1828, ch. 129, sec. 17, the governor cannot remit any part of a fine or forfeiture which any person shall be entitled to.